

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE ORGANOGENESIS SECURITIES LITIGATION

No. 04-CV-10027 (JLT)

**MOTION TO WITHDRAW DEFENDANTS' MOTION TO STRIKE LEAD
PLAINTIFFS' SWORN CERTIFICATIONS AND PRECLUDE RELIANCE ON THEIR
STOCK TRANSACTIONS AS TO JOHN H. BOWIE, JR. ONLY**

Defendants Albert Erani, Philip Laughlin, Donna Abelli Lopolito, Michael Sabolinski and Alan Tuck ("Defendants") respectfully move to withdraw, as to John H. Bowie, Jr. only, their previously-filed Motion to Strike Lead Plaintiffs' Sworn Certifications and Preclude Reliance on Their Stock Transactions ("Motion to Strike"). Defendants are not withdrawing the Motion as to Lead Plaintiff Richard Madigan.

As grounds for this motion, the Defendants state:

1. On August 9, 2006, Plaintiffs filed a Motion to Withdraw John H. Bowie Jr. as Lead Plaintiff and Proposed Class Representative (Dkt. No. 151).
2. On August 14, 2006, the Court granted the Plaintiffs' Motion to Withdraw as to John H. Bowie, Jr. by Electronic Order.
3. At the time Defendants filed their Motion to Strike, Defendants informed Lead Counsel that if Mr. Bowie sought (and was granted leave) to withdraw as a Lead Plaintiff and proposed class representative, Defendants would seek leave to withdraw the Motion to Strike as to Mr. Bowie.
4. However, in so doing Defendants have informed Plaintiffs of their position that the filing of the false affidavits and the attendant circumstances (including the belated withdrawal of Mr. Bowie as a Lead Plaintiff and the continuing

failure/inability of Plaintiffs to supply complete and accurate trading records and to correct that testimony) remain relevant to this case, including with respect to the adequacy of Plaintiffs and Lead and Liaison Counsel under Rules 23(a) and (g).¹

WHEREFORE, the Defendants respectfully move to withdraw, as to John H. Bowie, Jr. only, their Motion to Strike Lead Plaintiffs' Sworn Certifications and Preclude Reliance on Their Stock Transactions.

Dated: August 16, 2006

WILMER CUTLER PICKERING HALE AND DORR LLP

By: /s/ Kimberly Friday

Jeffrey B. Rudman (BBO #433380)

Jonathan A. Shapiro (BBO #567838)

Peter J. Kolovos (BBO #632984)

Kimberly I. Friday (BBO #660544)

60 State Street

Boston, MA 02109

(617) 526-6000

Counsel for Defendants Albert Erani, Donna Abelli Lopolito, Philip Laughlin, Michael Sabolinski, and Alan Tuck

¹ Pursuant to this Court's April 26, 2006 Order (Dkt. No. 115), Defendants have noticed the deposition of Mr. Bowie and intend to go forward with this deposition for the above reasons, as well as to examine Mr. Bowie on the Complaint he filed and for which he remains an individual plaintiff asserting claims against Defendants.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), Defendants and Plaintiffs have conferred, and Plaintiffs do not oppose the filing of this Motion. Counsel for Defendants John Arcari and Herbert Stein assent to this Motion.

CERTIFICATE OF SERVICE

I, Kimberly I. Friday, hereby certify that a true copy of the above document was served upon the attorney of record for each party via ECF.

/s/ Kimberly Friday
Kimberly Friday